

EXHIBIT 2

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**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON**

JUN DAM, individually and on behalf
of all others similarly situated,

Case No. 2:20-cv-00464

The Honorable Stanley A. Bastian

**DECLARATION OF PAMELA M.
EGAN IN SUPPORT OF
CHAPTER 7 TRUSTEE'S STATUS
CONFERENCE STATEMENT**

HEARING:

October 5, 2023, 10 a.m. PT

PERKINS COIE, LLP, a Washington limited liability partnership; PERKINS COIE I, P.C., a California corporation; PERKINS COIE CALIFORNIA II, P.C., a California corporation, and LOWELL NESS, individually.

Defendants.

I, Pamela M. Egan, hereby declare as follows:

1. I am over 18 years of age, of sound mind, and otherwise competent to make this declaration

2. I am counsel to the Chapter 7 Trustee in the bankruptcy case of Giga Watt, Inc. (“Bankruptcy Case”) pending as Case No. 18-03197 in the U.S.

**EGAN DECLARATION IN SUPPORT
OF CHAPTER 7 TRUSTEE'S STATUS
CONFERENCE STATEMENT – Page 1**

Exhibit 2

1 Bankruptcy Court for the Eastern District of Washington (the “Bankruptcy
2 Court”). I submit this declaration in support of the Chapter 7 Trustee’s Status
3 Conference Statement, ECF No. 40, filed herewith.

4 3. The statements made herein are based on my personal knowledge and
5 I would and could testify thereto if called upon to do so.

6 4. A true and correct copy of the letter, dated September 4, 2023, from
7 my office to counsel for Mr. Dam, is attached to the Response as Exhibit A. I sent
8 this letter by email to counsel for Mr. Dam and Perkins on September 4, 2023.

9 5. A true and correct copy of excerpts of the Memorandum Opinion and
10 Order Regarding Stay and Motion for Order to Show Cause (“Automatic Stay
11 Order12 attached to the Trustee’s Statement as Exhibit B.

13 6. A true and correct copy of excerpts of the Order Denying Mr. Dam’s
14 Motion to Dismiss and Granting Trustee’s Motion for Preliminary Injunction,
15 dated February 23, 2022 (“Preliminary Injunction Order”), filed in the Bankruptcy
16 Case, adversary proceeding, *Waldron v. Dam*, Adv. Proc. No. 21-80053, ECF No.
17 38, is attached to the Trustee’s Statement as Exhibit C.

18 7. A true and correct copy of the Order Granting Motion to Consolidate
19 Appeals, dated April 19, 2022, filed in the appeal pending in this Court, *Dam v.*
20 *Waldron*, Case No. 2:21-cv-00291-SAB, ECF No. 19, is attached to the Trustee’s
21 Statement as Exhibit D.

22
23 EGAN DECLARATION IN SUPPORT
24 OF CHAPTER 7 TRUSTEE’S STATUS
25 CONFERENCE STATEMENT – Page 2

Exhibit 2

1 8. A true and correct copy of excerpts of Perkins' and Ness' Opposition
2 to Trustee's Motion to Amend Complaint, dated October 17, 2022, filed in the
3 Bankruptcy Case, adversary proceeding, *Waldron v. Perkins Coie LLP, et al.*,
4 Adv. Proc. No. 20-80031-FPC, ECF No. 120, is attached as to the Trustee's
5 Statement as Exhibit E.

6 9. A true and correct copy of excerpts of the Motion to (a) Continue
7 Stay of Panel Rehearing Pending Settlement, and (b) Restore Limited Jurisdiction
8 to the Courts Below for the Sole Purpose of Settlement Approval, dated July 6,
9 2023, filed in the appellate case, *Waldron v. Perkins (In re Giga Watt, Inc.)* in the
10 U.S. Court of Appeals, Ninth Circuit, Case No. 22-35104, ECF No. 58, is attached
11 to the Trustee's Statement as Exhibit F.

12 10. A true and correct copy of excerpts of the Chapter 7 Trustee's
13 Motion for Order Approving Settlements, dated August 28, 2023, filed in the
14 Bankruptcy Case, ECF No. 1007, is attached to the Trustee's Statement as Exhibit
15 G.

16 11. A true and correct copy of excerpts of the Motion for Indicative
17 Ruling [F.R.B.P. Rule 8008], dated July 21, 2023, filed in the Bankruptcy Case,
18 adversary proceeding *Waldron v. Dam*, Adv. Proc. No. 21-80053, ECF Nos. 80
19 and 81 (the motion was filed twice in the same adversary proceeding), is attached
20 to the Trustee's Statement as Exhibit H.

21
22 EGAN DECLARATION IN SUPPORT
23 OF CHAPTER 7 TRUSTEE'S STATUS
24 CONFERENCE STATEMENT – Page 3

Exhibit 2

1 12. A true and correct copy of the *Trustee's Objection to Motion for*
2 *Indicative Ruling [F.R.B.P. Rule 8008]* and cover email, dated July 24, 2023, is
3 attached to the Trustee's Statement as Exhibit I.

4 13. A true and correct copy of the *Notice of Withdrawal of Motion for*
5 *Indicative Ruling [ECF Nos. 80-81]*, dated July 24, 2023, filed in the Bankruptcy
6 Case, adversary proceeding *Waldron v. Dam (In re Giga Watt, Inc.)*, Bankruptcy
7 Court, Case No. 21-80053, ECF No. 82, is attached to the Trustee's Statement as
8 Exhibit J.

9 14. I have asked counsel for Mr. Dam and Perkins to send me Word
10 versions of the two signed versions of their agreement, one dated August 11,
11 2023, which Perkins' counsel sent to me on August 23, 2023 in pdf form, and the
12 one filed with this Court dated September 12, 2023, which the Trustee had not
13 seen before this filing. The Word versions will allow the Trustee to create a
14 redline instead of having to compare the documents word for word.

15 15. In the very near term, I will file on the Trustee's behalf a motion for
16 remand in this Court. In the Bankruptcy Court, I will file on the Trustee's behalf a
17 motion for indicative ruling, a motion for relief from stay, and a motion to modify
18 the preliminary injunction so that Mr. Dam may seek approval of his settlement
19 with Perkins without violating the automatic stay and the Bankruptcy Court's
20 Orders. If this Court remands the consolidated appeals before the Bankruptcy
21 Court issues its indicative ruling, then I will withdraw the motion for indicative

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23 EGAN DECLARATION IN SUPPORT
24 OF CHAPTER 7 TRUSTEE'S STATUS
25 CONFERENCE STATEMENT – Page 4

Exhibit 2

ruling. If the Bankruptcy Court rules first, then on the Trustee's behalf, I will submit the indicative ruling to this Court in conjunction with the pending remand motion.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of September 2023 in Seattle, Washington.

/s/ Pamela M. Egan
Pamela M. Egan

CERTIFICATE OF SERVICE

I hereby certify that on September 19, 2023, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF System, which in turn automatically generated a Notice of Electronic Filing (NEF) to all parties in the case who are registered users of the CM/ECF system. The NEF for the foregoing specifically identifies recipients of electronic notice.

Dated this 19th day of September, 2023.

s/ Pamela M. Egan

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OF CHAPTER 7 TRUSTEE'S STATUS
CONFERENCE STATEMENT – Page 5**

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